

SPEECH

OF

MR. PRENTISS, OF MISSISSIPPI,

ON

THE DEFALCATIONS OF THE GOVERNMENT,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES.

DECEMBER 28, 1838.



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## SPEECH.

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The House being in Committee of the Whole upon the President's Message, Mr. PRENTISS spoke as follows :

MR. CHAIRMAN: I had intended, upon a former occasion, to have expressed my views upon some of the topics embraced in the President's message, more especially the subject of the recent defalcations. I am, however, so unfortunate as to be viewed by the official eye of this House through an inverted telescope, and it is not often that I can obtain the floor. With much pleasure, therefore, I avail myself of the opportunity at present afforded me. That portion of the message to which I shall principally turn my attention, to wit, the defalcations of the public officers, has been already ably considered by my honorable friend from Virginia, (Mr. WISE,) as well as by the distinguished member from Tennessee, (Mr. BELL.) But it is a subject which cannot be too often or too thoroughly discussed. Its examination will, I am confident, eviscerate more of the principles upon which this Government has for some years been administered, and furnish us more valuable lessons for future guidance, than any other matter that can occupy our deliberations. I am sorry to observe a rapidly increasing hostility upon this floor to the discussion of great political principles. One would suppose, in listening to some gentlemen, that Congress was constituted, like a county court, for the trial of petty individual claims, instead of being the great political tribunal of the nation, whose province and duty it is, not only to notice all important events in the action of the Government, but to investigate the causes from which they have resulted.

Defalcations of the most alarming character, and for an immense amount, carried on and concealed, for a series of years, by the collector of the principal commercial city of the Union, have been recently developed. The President has seen fit to call our particular attention to this case, and to make, in connexion therewith, divers suggestions as to the best mode of preventing similar occurrences hereafter.

"It seems proper, (says the President,) that by an early enactment, similar to that of other countries, the application of public money, by an officer of the Government, to private uses, *should be made a felony, and visited with severe and ignominious punishment.*"

He further recommends that a committee of Congress be appointed to watch the officers who have the custody of the public moneys, and that they should "report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office, unless the default was satisfactorily accounted for."



The Secretary of the Treasury has also given us a report upon this same subject, in which he expresses his astonishment that such an occurrence should have happened without his knowledge; exhibits, like the President, a most holy horror at the enormity of the offence; and recommends the appointment of an additional tribe of officers to watch over those already in power, as the best mode of avoiding similar mishaps in future.

To listen to the well-assumed astonishment of the President and Secretary at the discovery of Swartwout's 'peculations, one would readily suppose that defalcation, under the present administration, like parricide among the ancients, had heretofore been a crime unknown, and consequently unprovided for by justice. Harken to the philosophical musings of the President on this point:

"The Government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation."

Wonderful sagacity! Unparalleled discovery! Who will now deny the title of "magician" to the man who has developed the astounding fact "that public officers are not at all times proof against temptation?"

The embezzlements of Swartwout have caused this truth to flash upon the sagacious mind of the Chief Magistrate, and with philanthropic eagerness he recommends that we put a stop to this new sort of wickedness, by making it a penitentiary offence.

Mr. Chairman, if I should tell you that all this is sheer hypocrisy—gross and miserable pretence—a tub thrown out to amuse the popular whale, and divert his attention from the miserable and leaky canoe which bears the fortunes of this administration; if I should tell you that, during the last five or six years, a hundred cases of defalcation have occurred, more outrageous in principle, more profligate in character, than the one we are recommended to investigate; that the President has continued defaulters in office, knowing of their violations of duty, knowing of their appropriation of the public moneys to private uses; that the Secretary of the Treasury has, during that whole period, habitually connived at these defalcations, and extended over them the mantle of his protection; if I should tell you that these defalcations constitute a portion of the "*spoils system*"—that system which has been to this administration what his flowing locks were to Samson—the secret of its strength; if I should tell you all this, I should tell you no more than I conscientiously believe; no more than I shall attempt to prove before this House and the country. These defalcations I shall trace to their origin, and not stop to inquire so much into their amounts, as into the causes which have led to them. It is not the question, Where is the money? but, Where is the guilt? that I wish to investigate. The recent developments to which our attention is invited, are but some of the bubbles that are every day breaking upon the surface of the still and mantling pool. I shall not stop to measure their relative size or color, but will, unpleasant as the



task may be, dredge for the corrupt cause which lies at the bottom. These cases are but the windfalls from that tree of Sodom—executive patronage. Heretofore, the representatives of the people have, in vain, urged an examination into the character of its fruit; but it has been guarded with more vigilance than were the golden apples of the Hesperides. Now, our attention is solicited to it by the President. Is he in earnest? Let him but give us a chance to shake this tree, and he will find his rotten pippins falling from every limb and branch.

But our attention is called, particularly, to the case of Swartwout. The administration has delivered him over to our tender mercies; they have dropped him, as the bear, when hotly pursued, drops one of her cubs, for the purpose of distracting the attention of the hunter, and so escaping with the rest of her young. I, for one, shall not be thus diverted from my purpose, but will follow the dam to her den, and there, if possible, crush at once the whole brood.

Swartwout has been found out. This is the unpardonable sin with the present party in power. Their morality is the Spartan morality: not the *theft*, but the *discovery*, constitutes the crime. Sir, if every office-holder's mantle were thrown aside, how many, think you, would be found without a stolen fox fastened to the girdle?

Mr. Chairman, I have no confidence that the President has recommended this investigation in good faith, or that his partisans here intend to permit it. They dare not do it. They are not yet sufficiently maddened, scorpion-like, to dart the sting into their own desperate brain. No, sir, it is a mere *ruse*. Regardless of the maxim that "there is honor among thieves," the rest of the office-holders are very willing to turn State's evidence against Swartwout, to gain immunity for themselves, and favor with the commonwealth. Let the administration give us a fair committee, favorable to investigation, not packed by the Speaker; throw open to us the doors of your Departments—those whited sepulchres, within whose secret vaults corruption has so long rioted and revelled; let your insolent subalterns be taught that they owe some allegiance to the laws; compel them to submit their official conduct to a rigid examination by this House: then, and not till then, will I believe them in earnest; then, and not till then, shall I expect any good to come of investigation. But, sir, though little is to be expected from the action of this House, I anticipate much good from the discussion. This hall is the ear of the nation; what is said here touches the auditory nerve of the whole country. Before this mighty audience do I impeach both the President and the Secretary—not before the Senate—no, sir; but before the people—before fifteen millions of freemen.

I charge them with knowingly appointing and continuing in office public defaulters—men who had appropriated the public moneys to private use; who had committed, in office, acts of as great moral turpitude, and deserving of as much odium, as attaches to the case of Swartwout; acts which the President now professes to think are deserving of the penitentiary. I charge the Secretary, directly, with



having caused, by negligence, and *knowing, wilful connivance*, some of the most important defalcations which have occurred. I charge him specifically with having, in one case, literally watched a defalcation through a period of more than two years, and seen it gradually swell, during that time, to upwards of \$100,000! I charge him with having permitted, in numberless instances, the repeated and continued neglect and violation of what he himself asserts to be the *paramount duty*, without removing from office, or even reprimanding the delinquents. I charge him with having, in his official capacity, received, and favorably considered, correspondence degrading to his high office, insulting to him as an honest man, and of a corrupt and profligate character.

Sir, the Secretary can only escape by the plea of "*non compos mentis*." Out of his own mouth I will convict him; I will but let loose upon him the documents he himself has furnished, and, like the hapless Acteon, he will be torn to pieces by his own hounds.

Mr. Chairman, the cases which I am about to examine, in support of my positions, have been selected at random from the reports of the Secretary himself, and I present them merely as specimens; scores of the same sort—the phosphorescent glimmerings of corruption—break through the darkness, and illuminate the path of the Secretary, from the very moment he came into office. Should I treat of them all, the 4th of March would find me here, and the chronicles of the defaulters still unfinished.

The first case to which I will call attention is that of Colonel John Spencer, receiver of public moneys at Fort Wayne, Indiana, and which commenced in 1836. The report of the whole case is found in document 142 of the second session of the twenty-fourth Congress. I shall extract such portions as are in point.

Under date of the 25th April, 1836, the Secretary writes to Colonel Spencer, among other things, as follows:

"As these statements for January and February last have not been received at the Department, I must claim your attention to the omission, and insist on their transmission, in future, immediately after the close of each month. At the same time, I would also claim your strict attention to the regulations of the Department in respect to the periodical deposits of the public money, and to the duty of transmitting the usual evidences of such deposits to the Secretary of the Treasury, as the instructions require."

Immediately afterwards, the Secretary writes again to the following effect:

TREASURY DEPARTMENT, May 23, 1836.

SIR: Since the date of my letter to you of the 25th ultimo, your returns for the month of April have been received, from which I perceive that the public moneys in your hands on the 30th ultimo amounted to the sum of \$247,251 64, which amount is the accumulated receipts of your office since the 1st of January last. You cannot but be aware that the retention of the public moneys in your hands, beyond the period of one month, unless the receipts of such month be less than \$10,000, is a violation of your instructions. The object of this letter is, 1st. To require that the whole balance on hand at the time of the receipt of this letter shall be immediately deposited, and a certificate of such deposit transmitted to the Department without delay. 2d. To inform you that the Department cannot overlook the omission to do so, or your future neglect to deposit monthly, and to transmit your monthly returns, accompanied by the evidence of your deposit, in time to be received at this office within the month next preceding that for which the return is rendered. 3d.



That any neglect or inattention to these requirements, unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office.

I am, very respectfully, &c.

Col. SPENCER.

LEVI WOODBURY,

*Secretary of the Treasury.*

On the 8th of July, the Secretary directed that Mr. West (who, it seems, was a sort of rotary portion of the Department, called an examiner) should proceed in person "to make special inquiry into the matter, and report to the Department the result."

Accordingly, Mr. West proceeded to Fort Wayne, to examine into the delinquency of the receiver; and having accomplished his task, made a report to the Department. From this report it appears that he met Colonel Spencer, who was on his way to Richmond to raise money to make up his deficit to the Government. The following is an extract from the report, in relation to a charge of "shaving" upon the public moneys:

"Upon the subject of using the money of the United States, I beg leave to state, that I find it universally stated and believed, and it is conceded to *as a fact* by the clerks in the receiver's office, that both he and his relative Dawson have been much in the habit, *in the office*, of shaving money, *i. e.* exchanging the money which could not be received for public lands; the rate of exchange or discount varying from three to five per cent. I find in the case of Isaiah Wells, of Marion county, Ohio, that so recently as the 6th instant, he paid into the hands of the receiver, in his office, eight dollars for exchanging two hundred and forty dollars of Ohio bank notes, of five dollars each. To what extent this "shaving" business has been carried on in the office, of course I do not know, *but I am satisfied it has been to a very considerable extent*; and that the Government money paid in by one person, has been handed out by the receiver in exchange for uncurrent (or not land office) money—he receiving for his own private use the discount as agreed upon; and that the same Government money again is passed into the land office, to be again used for the like purpose, in pay for the public lands.

"That the receiver has taken in bank notes of five dollars, contrary to orders, the schedule prepared at his office, herewith enclosed, will prove; that he received a bonus for taking the same, is, I think, almost beyond a doubt."

In a postscript to his report, he says: "Mr. Spencer has just come in, having been as far as Richmond, where, by obtaining a discount upon some drafts due in September, originally taken here for land, he was enabled to swell his deposit there to \$52,831 34; which, together with the money taken with him from here, the silver in the bank here, *and some other money*, enabled him to deposit," &c. The following is the supplemental report of Mr. West:

MIAMI COUNTY, INDIANA, August 23, 1856.

SIR: I hasten to correct an oversight in my statement of Mr. Spencer's account, in the postscript of my letter from Fort Wayne. I wrote the postscript just upon the point of starting; and Mr. Spencer being present, requesting me to give the assurance of his good intention for the future, must be my excuse for the oversight.

It consists in passing either the *whole* amount of his deposit at Indianapolis, in which is included a certificate of deposit of \$25,000 of silver at Fort Wayne; or, as the gold was left in the bank at Fort Wayne as collateral, to make up a deficiency of \$2,000, silver, I should not have passed all the gold to his credit.

His account, as corrected, should stand thus:

THE RECEIVER—Dr.

June 30.	To balance	-	-	-	\$100,599 32
	Received in July, (\$355,897 75)	-	-	-	356,155 95
	Received in August, up to 11th, at 3 P. M.	-	-	-	29,774 64
					<hr/>
					\$486,529 91



## CONTRA—Cr.

June 30.	To cash deposited at Indianapolis	-	-	-	\$455,906 00
	Gold in bank at Fort Wayne, \$5,322 37—less \$2,000, its liability for the deficiency of silver of \$2,000	-	-	-	3,322 37
	Bank notes, &c., in office	-	-	-	17,350 50
	Gold in office	-	-	-	357 00
	Silver in office	-	-	-	1,874 00
	Scrip	-	-	-	2,435 00
	Forfeited land stock	-	-	-	78 20
	Balance due United States	-	-	-	5,206 84
					<hr/>
					\$486,529 91

It is also proper for me to state, that I am quite satisfied Mr. Spencer, by his visit to Richmond, was enabled to increase his available fund there \$94,064 92, (he having drawn in favor of the Indianapolis branch for that much more,) *by obtaining a discount there*; and upon drafts received by him at Fort Wayne for public lands, before the 1st of June last, which drafts were not due till September: and, of course, in order to reduce the same *now* to cash, he made a deduction. Whether the deduction for the yet remaining time was equal to what was allowed him in May last, of course I do not know; but the difference of time would seem to place it beyond a doubt that it was much less.

The latter view, in part, applies to the discount upon uncurrent (or not land office) paper, which he deposited at Indianapolis; a certificate of the loss upon which, I enclosed at his request.

Very, &c.

NATHANIEL WEST.

To ETHAN A. BROWN, Esq.

By this document it appears that the receiver had turned his office into a "shaving-shop" for himself and his friends. It further appears that he had not merely failed to deposit the public moneys according to law, but had *used them*; for, when he came to make a settlement with Mr. West, after having scraped together all the means within his reach; after selling drafts, obtaining *a private discount at Richmond*, bringing forward all the public money in his hands, and, in the language of Mr. West, "*some other money*," still he falls short \$5,206 84, which he does not profess to account for in any way. In other words, by this report Colonel Spencer stood before the Secretary and President an acknowledged, confessed, and convicted peculator and embezzler of public moneys to the amount of \$5,206 84, without a shadow of excuse or defence.

And what think you was done with this defaulter by the moral, upright, sin-hating Secretary? And what has been done by the President, who thinks this offence ought to be made felony, and punished with the penitentiary? Before I answer this question, I will read you a letter from a then Senator of the United States, which will perhaps throw some light upon the subject. It will be perceived this letter was written during the examination of the office by Mr. West, and was doubtless intended to obviate the effect of the report:

MADISON, August 3., 1836.

SIR: I am informed that some things are stated recently to the prejudice of Colonel John Spencer, receiver at Fort Wayne, *and I am requested to write you*. In doing so, I can only say that I have been gratified in learning that his deposits have been made to your satisfaction; and, if so, I hope that minor matters, if mere irregularities, will be overlooked. He is reputed to be an honest and honorable man, and I do not believe that he has intentionally either done wrong, or violated his instructions. *It would to some extent*



*produce excitement if he were removed, for he has many warm and influential friends both at Fort Wayne and in Dearborn county, from which he removed to his present residence. Better let it be.*

With much respect,

WILLIAM HENDRICKS.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

"With much respect," ha! I doubt it. The honorable Senator could not have had much respect for the honorable Secretary, or he would never have dared to write him such a letter. Those two last sentences, like a lady's postscript, contain the whole substance: "It would produce excitement," forsooth, to remove the defaulter; "he has influential friends." "*Better let it be.*" Sir, in these few words you may behold the morality, the policy, and the strength of the party in power. Like the flash language of the London swells, they open, to those who understand the true meaning, the whole secret of political roguery. Being interpreted, the honorable Mr. Hendricks's letter would read: "Dear Levi: I am told Colonel Spencer is a defaulter, and you are going to turn him out. Levi, you're a fool; you must do no such thing; it would injure the party to turn him out; he's a strong politician, and has got a great deal of influence; he isn't cheating us, it's only the people. If you know which side your bread is buttered, keep him in office."

And what says honest Levi to all this? Listen; here is his answer:

TREASURY DEPARTMENT,

September 7, 1836.

SIR: Your letter of the 31st ultimo is received, and I am happy to inform you that Mr. Spencer's explanations have been such that he will probably continue in office.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

Honorable WILLIAM HENDRICKS,  
*Madison, Indiana.*

which, being interpreted, reads:

"Dear Billy: Who's a fool? I never intended to turn him out. I only talked about it to gull the people, and make them think I was honest. He shall be retained."

Ay, and he was retained; and soon rendered such good service to his master as well approved the sagacity which refused to part with him.

He has been continued in office by Mr. Van Buren, and is now receiver at Fort Wayne. There is one more circumstance developed by this document, to which I invite attention. The Secretary, in his letter of the 23d of May to Col. Spencer, tells him "that any neglect or inattention to these requirements, [that is, to deposit monthly the money on hand, and make monthly returns thereof,] unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office."



Now, in connexion with this extract, read the following letter from Col. Spencer, written just upon the eve of the Presidential election, and about six weeks after the correspondence between Hendricks and the Secretary :

RECEIVER'S OFFICE,

Fort Wayne, October 27, 1836.

SIR : This is to inform you that I have forwarded to the deposit bank one hundred and four thousand dollars, in silver, there to remain until I arrive with the gold and paper money.

*My democratic friends think that I ought not to leave until after we hold our election for President, on the 7th November, which I have concluded to await, and shall leave on that evening, or the next morning, to deposit, with all the funds on hand up to that time. I shall write you again before I leave. The sales are rapid ; mostly paid in gold and silver. My quarterly report will be forwarded by next mail, for last quarter, which ought to have been done sooner, only for the want of help in the office. Hereafter, I think I can get my reports off, without much delay, after the close of the month and quarter.*

I am yours, respectfully,

JOHN SPENCER, Receiver.

HON. LEVI WOODBURY,

Secretary of the Treasury.

What think you of this ? The repeated injunction of the Secretary had been, that at the end of each month he should deposit the public money in hand ; and if he failed to do so, *without good excuse*, he should be removed from office. Well, sir, he fails to make his deposit in October, not by accident or necessity, but voluntarily ; and sends, in advance, his excuse to the Secretary. What is that excuse ? It is, that his *democratic friends thought he ought not to leave until after the election for President* ; in other words, that his duty to *the party* was paramount to his official duty ; that his obligations to Mr. Van Buren (the candidate for the Presidency) were greater than his obligations to the country, in whose service he was at least nominally employed.

Accordingly, he neglected his most important duties for many days, that he might use in the election that political influence of which the honorable Mr. Hendricks speaks with so much unction.

The Secretary receives this excuse ; recognises its sufficiency, by not recommending his removal from office, as he had promised to do, in case the reason should not be satisfactory ; and has thus convicted himself of entertaining and practising the profligate doctrine that interference in elections by an office-holder is not only justifiable, but involves a higher degree of obligation than the mere performance of official duty. It was not merely to exercise his elective franchise as a citizen that Spencer violated the injunction of the Department ; this right he could have exercised where his duty called him, as well as at Fort Wayne. But that would not do ; he had influence at the latter place, which it was important to the party he should exercise. Having thus violated his solemn official obligations, for the purpose of assisting Mr. Van Buren into the presidential chair, it was of course no more than fair that the President should return the favor. He did return it. He continued Col. Spencer in office ; and thus, at the same time, exhibited his gratitude, violated his duty, and prosti-



tuted his high station. This, Mr. Chairman, is but a specimen of that corrupt reciprocity of service which constitutes the ligature that binds together, like the Siamese twins, the Executive and the office-holders.

Sir, the document from which I have made the foregoing extracts is a public record, and was furnished to the Senate at the time when Mr. Van Buren was President of that body. Of course, he cannot plead ignorance of its contents. Yet, in the face of the report of West; of the profligate letter of Hendricks; of the shameless avowal of the receiver himself that he neglected the paramount duties of his office for the purpose of exercising his influence at the election: in face of all this, the President neglects and refuses to apply the power of removal; and the unblushing partisan still remains in office, ready, doubtless, at the next election, to play again the game which proved so profitable at the last.

I will not longer detain the committee with this disgraceful case, but, leaving it and the parties concerned to the judgment of the country, proceed to the consideration of another. I will take the case of Harris, receiver of the land office at Columbus, in my own State. In this instance I expect to convict the Secretary of the Treasury, not of a single isolated neglect of duty, but a continued, daily, miserable winking and connivance at malversation and defalcation during a period of two years, implicating alike his honesty, his veracity, and his capacity. First, however, I will show what importance the Treasury Department attached to the duty incumbent upon collectors and receivers, of depositing in bank, at stated periods, the public moneys in their hands, because it was from the continued violation of this duty that the defalcation in the case of Harris, as well as in most others, occurred; and because it will leave the Secretary no excuse, from the supposed insignificance of the duty, for the gross and culpable negligence on his own part which makes him, in justice and truth, a *particeps criminis* in the whole affair.

I hold in my hand a book of some four hundred pages, entitled "Letter from the Secretary of the Treasury, transmitting copies of letters to collectors and receivers who have failed to comply with the laws and regulations for their government; and, also, copies of reports of examinations of land offices since 1st January, 1834," &c. It is Doc. 297, and was furnished the House by the Secretary on the 30th of March, 1838. It is the most extraordinary publication that ever fell under my observation. It is a moral, political, and literary curiosity.

If you are a laughing philosopher, you will find in it ample food for mirth; if you belong to the other school, you cannot but weep at the folly and imbecility which it exhibits. The Secretary must have been frightened when he compiled it, for it is without form, and darkness rests upon its face. It contains two hundred and sixty letters to defaulting collectors and receivers; in some instances, from ten to twenty to the same defaulter: yet, so curiously is the book constructed, that you must read the whole of it to trace a single case



Its contents are as strange as the "hell broth" that boiled and bubbled in the witches' cauldron. From this fragment of chaos I shall proceed to extract and arrange such matter as is material to my purpose. And first, to show, as I proposed, what importance the Secretary attached to the duty of depositing the public moneys in bank, at stated periods, so that they might not accumulate in the hands of the collector, and thus afford temptation to defalcation.

The first letter I shall quote was from Mr. Taney, then Secretary of the Treasury. It is No. 1 of the letters to receivers; is dated January 16, 1834, directed to R. B. Sterling, receiver of public moneys, and concludes as follows: "I will only further add, that the obligation *to deposit the public money promptly*, and to render your returns and accounts punctually, are *imperative, and must in future be regarded as paramount to all other duties.*"

Again, under date of 18th May, 1834, Mr. Taney writes to J. W. Dickson, receiver at Mount Salus, Mississippi: "Certificates of deposit are to be addressed to this office; these, *and the prompt and punctual deposit of the public money*, are to be regarded as *paramount duties*, the strict performance of which will be insisted on."

On the 18th of July, 1834, Levi Woodbury writes the following circular to some seven or eight receivers:

"I regret to be under the necessity of noticing your omissions to make returns for the months of April, May, and June last. By a circular, dated the 15th of January last, you were advised of the necessity of promptitude in this respect. It remains that I should again remind you, *once for all*, that this is a duty which must be punctually observed."

In a letter to the receiver at Augusta, Mississippi, dated August 4, 1834, he says:

"Upon the subject of the request made in your letter of the 6th instant, I have to observe, that the Department *cannot relax in the regulations prescribed for the periodical deposits of the public money.*"

On the 30th January, 1835, he writes to the receiver at Helena:

"The Department having received no duplicate of the monthly returns required by its regulations, showing the transactions of your office since your appointment, it becomes proper to call your immediate attention to this duty; and to inform you that punctuality in this respect, *and in the deposit of the public money*, are to be regarded as *paramount duties*, and will be insisted on accordingly."

To Linn, receiver at Vandalia, he says, February 12, 1835:

"Once for all, then, I will inform you that a strict observance of the regulations of the Department for *the periodical deposit of the public money*, and the transmission of your accounts and returns, are *paramount duties*, the neglect of which will be reported for the action of the Executive."

To the receiver at Demopolis he writes, February 20, 1835:

"I embrace the occasion to say to you, once for all, that punctuality in making your returns *and deposits of the public moneys*, are to be regarded as *paramount duties*, the neglect of which will be reported for the action of the Executive."

Again, February 28, 1835, in a circular to some fifteen receivers:

"I cannot omit the occasion to impress upon you the necessity of a strict attention to, and punctual compliance with, the duties required of you in regard to the *prompt deposit of the public money*, and transmission of your returns; and to say to you that the performance of those duties must be regarded as *paramount to all others in your official station.*"



Again, July 30, 1835, the Secretary writes to the receiver at Helena :

"The regular deposite of the whole of the public moneys, as prescribed by the regulations of the Treasury, and the punctual transmission of your accounts and monthly returns, are *paramount official duties*."

I give these extracts from the letters and circulars of the Secretary, to show the periodical deposite of the public money was a *paramount duty* of the collectors and receivers.

If, then, I show that the Secretary neglected to enforce the performance or punish the neglect of this *paramount* duty, it may be fairly inferred that he is either unwilling or incompetent to enforce, in his subordinates, the performance of any duty whatever.

I come now to the case of Harris, which I will present in the shape of fourteen letters from the Secretary; and a rarer specimen of official correspondence cannot be easily found.

Mr. Harris was receiver of public money at Columbus, Mississippi. The correspondence commences during Mr. Taney's administration of the Treasury Department; from whom there are some three or four letters to Harris, complaining of his neglect of official duty.

I will quote, however, only Mr. Woodbury's epistles; and beg you to mark how well he enforces the performance of *paramount duties*. His first letter follows :

TREASURY DEPARTMENT,

February 6, 1835.

SIR: I regret that there should be occasion for again calling your attention to the omission to render your monthly duplicate returns to this office for the months of November and December, (those being in arrear,) and to remind you that punctuality in this respect is indispensable.

I am, &c.

LEVI WOODBURY,

Secretary of the Treasury.

W. P. HARRIS, Esq.

Receiver of Public Money, Columbus, Miss.

This refers to the previous defaults, and shows that Mr. Woodbury was cognizant of them. The next month he writes again :

TREASURY DEPARTMENT,

March 17, 1835..

SIR: Having received no monthly duplicate return of the transactions of your office since that for the month of October last, it becomes my unpleasant duty to call your immediate attention to the omission. Allow me to express a hope that there may be no further occasion to remind you of the importance of punctuality in the transmission of these returns.

I am, &c.

LEVI WOODBURY,

Secretary of the Treasury.

W. P. HARRIS, Columbus, Miss.

Here, it seems, Harris was in arrear for four returns; in other words, had violated four *paramount duties*.

But Mr. Woodbury is a man of long-suffering; so he writes again, and with some severity. He is determined to be trifled with no longer. Hear him:

TREASURY DEPARTMENT,

June 25, 1835.

SIR: Having, in a communication addressed to you on the 17th of March last, and on several prior occasions, urged upon you the indispensable necessity of a strict attention



of making your monthly returns, and finding that no returns have been received from you since that for the month of November last, it becomes my unpleasant duty to say to you, that if those in arrear are not transmitted by return of mail, I shall be constrained to report your neglect for the action of the Executive.

I am, &c.

RECEIVER OF PUBLIC MONEY, *Columbus.*

LEVI WOODBURY,  
*Secretary of the Treasury.*

I think, if Mr. Harris don't make his returns now, he's a gone case: the Secretary is in earnest. Here is another letter. Let us see:

TREASURY DEPARTMENT,

August 28, 1835.

SIR: Agreeably to the intimation given you in my letter of the 20th June, it has become my disagreeable duty to report your continued neglect to the President, who has instructed me to say to you, that if the monthly returns required from you by the regulations of the Treasury, which are in arrears, are not received at the Department on or before the 10th of October next, you will then be dismissed from office.

I am, &c.

WILLIAM P. HARRIS, Esq.

*Receiver of Public Money, Columbus, Miss.*

LEVI WOODBURY,  
*Secretary of the Treasury.*

There, sir, I told you so; if Mr. Harris don't make his returns by the 10th of October, he will be dismissed; the President himself has said it, and General Jackson is a man of his word.

In the mean time, however, the Secretary gives him another hint:

TREASURY DEPARTMENT,

September 22, 1835.

SIR: Allow me to inquire why it is that your deposits are not made in the branch of the Planters' Bank at Columbus, instead of the parent bank at Natchez? Does the branch refuse to receive them, and credit the amount at the mother bank?

I am, &c.

WILLIAM P. HARRIS, Esq.

*Receiver of Public Money, Columbus, Miss.*

LEVI WOODBURY,  
*Secretary of the Treasury.*

P. S. Your return for the month of February last has been received to-day, and shows a large amount on hand not deposited; and you are hereby required, if not already done, to deposite any balance still on hand in the above branch, to the credit of the Treasury, and forward receipts therefor, in order to save time and expense in travelling to Natchez.

Before the fatal 10th of October, the kind-hearted man writes still again, that he may give the victim one more warning before the day of grace is past:

TREASURY DEPARTMENT,

September 28, 1835.

SIR: I regret to say that the reasons assigned in your letter of the 14th instant for withholding your monthly returns cannot hereafter be deemed satisfactory. I can perceive no sufficient cause for their being delayed longer than the first week in each succeeding month, as there can be no difficulty in ascertaining at once the amount of money received within the month, or in stating the amount of your disbursements and deposits during the month. This is all that is required in them. The object of these returns is to afford the Department the earliest information in regard to the money operations of the land office, and the punctual transmission of all the moneys received to the bank of deposite. They are therefore of paramount importance, and cannot be permitted to await the completion of detailed book entries, or the perfection of other business, be its character what it may.

I am, &c.

W. P. HARRIS, Esq.

*Receiver of Public Money, Columbus, Miss.*

LEVI WOODBURY,  
*Secretary of the Treasury.*



And now, sir, I am sorry to say this contumacious receiver paid no attention to these kind warnings and friendly solicitations. He did not make his returns; the 10th of October is past, and Mr. Harris is doubtless removed; for General Jackson and Levi Woodbury have both said it. But, softly; here is a letter dated the 12th of October; no doubt it is the letter of dismissal. Let's read it:

TREASURY DEPARTMENT, *October 12, 1835.*

SIR: Trusting to the assurances given in your letter of the 14th ultimo, and to those of your friends made in your behalf, the President has consented, upon the facts now before him, to continue you in office until the 12th of November proximo; then, unless your monthly returns are all rendered, and satisfactory evidence that the whole of the public moneys with which you are chargeable are deposited, [is received,] you must be removed from office, however painful to both him and this Department.

I am, &c.,

LEVI WOODBURY,  
*Secretary of the Treasury.*

W. P. HARRIS, Esq.,  
*Receiver of Public Money, Columbus, Miss.*

Well, this is strange! a reprieve? and based upon Mr. Harris's letter of the 14th ultimo? Why, the Secretary says in his last that the reasons given in this letter of the 14th ultimo, for withholding the returns, are unsatisfactory; that he can perceive no sufficient cause for their being delayed.

I wish Levi would explain why he and General Jackson violated their pledge in this case. I confess I don't understand it. I thought if Harris did not make his returns, he would certainly be removed. But if he does not make all his returns and deposits by the 12th of November, he will positively have to go, "however painful" to both the President and the Department. Lest he should forget all about the matter, the Secretary in a few days writes again:

TREASURY DEPARTMENT, *October 26, 1835.*

SIR: I have to observe, in reply to your letter of the 9th instant, that the allowance authorized by the regulations of the Department, as a compensation for travelling expenses, and risk in the transmission of the public moneys to the bank of deposit, can only be made when such expenses and risk have actually been incurred, and not in any case where both are avoided by means of the facilities afforded by the mail or deposit banks; moreover, inasmuch as the branch bank of Columbus receives and credits the moneys received by you in the first instance, I can perceive no reason why each deposit in past months should not have embraced the whole amount in your possession at the time of such deposit, as the instructions require.

I am, &c.,

LEVI WOODBURY,  
*Secretary of the Treasury.*

W. P. HARRIS, Esq.,  
*Receiver of Public Money, Columbus.*

Sir, the 12th of November arrived and passed; and yet Harris had failed to deposit the public moneys with which he was chargeable, according to the requisition of the Secretary's letter. Of course he was dismissed without further hesitation, you exclaim. Not so fast; don't be rash in your conclusions. I have become suspicious about the matter since the reprieve. I don't believe, now, he was removed at all.

And, sure enough, he was not. Here is the very next letter from the Department, talking to him as mildly as if he had never offended.



TREASURY DEPARTMENT, *November 28, 1835.*

SIR: Your letter of the 11th instant, and return for the month of October, is received. As your deposits of public moneys are made at Columbus, no reason whatever can be seen why the whole money in your hands at the end of the month is not deposited. It is expected that it will be hereafter.

I am, &amp;c.,

W. P. HARRIS, Esq.,  
*Receiver of Public Money, Columbus, Miss.*

LEVI WOODBURY,  
*Secretary of the Treasury.*

Very true; no reason can be seen why he should not have deposited the money, and no reason can be seen why he was not removed for failing so long and so repeatedly to do it. But to the correspondence.

TREASURY DEPARTMENT, *March 28, 1836.*

SIR: Your letter of the 13th instant, enclosing your return for the month of November, is received. Again it becomes my unpleasant duty to complain of your neglect in this respect, and to inform you that the omission to transmit the required monthly statements, for a whole quarter after they are due, cannot be permitted in any public officer; and especially after having been heretofore so often reminded of the consequences of such neglect. On the return of the mail, therefore, if the usual statements for the other months in arrear are not received, I shall be under the disagreeable necessity of again submitting the subject to the President, for his immediate action.

I am, &amp;c.,

W. P. HARRIS, Esq.,  
*Receiver of Public Money, Columbus, Miss.*

LEVI WOODBURY,  
*Secretary of the Treasury.*

Why, Mr. Secretary, you are crawling out at the same place you crept in. This is the tune you played at the commencement. It is rather too late in the day to think of frightening Harris now, by threatening to turn him out, when he and everybody else know you never intend to do it.

Mr. Chairman, let me crave your patience. We are nearly through this case, and then we will rest for a moment. The following letter begins to exhibit the catastrophe:

TREASURY DEPARTMENT, *June 6, 1836.*

SIR: Your letter of the 23d ult., accompanied by your returns for the month of April, is received. Seeing the balance of public moneys in your hands amounted to \$128,884 '70 at the end of that month, I have to request that you will explain why it was that the whole of the public moneys in your hands on the last of the previous month was not deposited, instead of a part, in conformity to explicit and frequent instructions on that point. It is painful to be obliged to ask you so often for explanations.

I am, &amp;c.,

RECEIVER OF PUBLIC MONEYS,  
*Columbus, Mississippi.*

LEVI WOODBURY,  
*Secretary of the Treasury.*

Yes, I should suppose it was painful.

The Secretary is truly a man of much patience. He must be a lineal descendant of Job. He gives to his subordinates "line upon line," "precept upon precept," "here a little" and there a great deal. He strives hard to learn them honesty. Whether his ill success is attributable to master or pupils, I will not pretend to say.

At length Mr. Harris does what neither the President nor the Secretary dared to do—he *dismisses himself from office*; in other words, *he resigns*.



TREASURY DEPARTMENT, *September 21, 1836.*

SIR: Your letter of the 27th ultimo, addressed to the President, has been referred to this office. Your duties as receiver will, of course, have ceased, or been suspended, after the 31st ultimo, the time *when you propose your resignation should take effect*. Immediate steps, it is hoped, will be taken to adjust your accounts, and pay over the balance. Soon as the President returns, a further communication will be made to you.

I am, &c.

LEVI WOODBURY,  
*Secretary of the Treasury.*

W. P. HARRIS, Esq., *Columbus, Miss.*

He resigns, a defaulter for \$100,000. He had quite a moderate appetite, compared with Swartwout and some others.

There is but one more morsel of this correspondence on record, and it is of a piece with the balance. It consists of regret on the part of the Secretary that legal steps had been taken "to attempt to secure" what was due the Government.

TREASURY DEPARTMENT, *November 19, 1836.*

SIR: I have received your letter of the 1st instant, by the mail of this morning, and regret to inform you that, as long ago as August last, steps were taken by the Solicitor of the Treasury to attempt to secure the balance due from you.

I am, &c.

LEVI WOODBURY,  
*Secretary of the Treasury.*

W. P. HARRIS, Esq., *Columbus, Miss.*

Now, will any one dare deny that General Jackson and Secretary Woodbury were literally guilty of this defalcation? Did it not result from their wilful neglect of duty—from absolute and unqualified connivance? For two years and a half this receiver was never for a single instant out of default; he was during that whole period in continued violation of the acknowledged "*paramount duties of his office*." The Secretary was aware of the whole of it. The case at length becomes so ripe, that it falls of itself—a good round golden apple of the value of \$100,000 and upwards. And yet the Secretary swears that no such fruit grows in his garden.

But let us again take a birdseye view of this correspondence. Let us group it; without giving the exact language, we will take the meaning—the idea.

Letter 1st. Mr. Harris, I am sorry to tell you again, you hav'nt made your returns.

2d. Mr. Harris, you hav'nt made your returns.

3d. Mr. Harris, if you don't make your returns, I'll tell the President.

4th. Mr. Harris, you had better settle up; if you don't, out you go.

5th. Mr. Harris, please to tell me why you hav'nt settled; do, that's a good man.

6th. Mr. Harris, now don't behave so.

7th. Mr. Harris, how would you feel if you were dismissed from office? Better pay up, or you'll know.

8th. Mr. Harris, it's lucky for you you've got strong friends; that's the reason we don't turn you out. But you'd better mind your eye.

9th. Mr. Harris, ain't you ashamed?

10th. Mr. Harris, perhaps you don't know it, but you are very



much behindhand. Do you intend to pay up or not? I wish you would. 'Tis very strange you will hurt my feelings so, and the President's too.

11th. Mr. Harris, how comes it that you are a defaulter for \$128,884 70? I don't wish to hurt your feelings, but I should like to know. I have a curiosity on the subject; can't you tell me?

12th. Mr. Harris, *you've resigned, have you?* Well, that beats any thing. What a cunning dog you are! Feathered your nest well, ha? I'll tell the President all about it when he comes home. How he will laugh!

13th. Dear Mr. Harris, I regret to tell you that the rascally Solicitor of the Treasury is a going to try and recover back that money you've got, which belongs to the Government. Never mind; we'll fix it some way.

Such is an epitome of the correspondence of Levi Woodbury, Secretary of the Treasury, and constitutional adviser of the President. What a rich specimen of an American statesman!

But to our task. The next defaulter whom I shall mention was Boyd, the successor of Harris, a "follower in the footsteps." In little better than six months after he had been in office, we find the following account of his fidelity. It is extracted from the report of one V. M. Garesché, who was sent out by the Secretary to examine the condition of the land offices. It is dated 14th June, 1837. In relation to Boyd, he says:

"The account of the receiver, which I have made out, and transmit herewith, presents against him a balance of \$55,965 54. His own account makes it \$53,272 73; it is also annexed. His assets, of which I also send you the list, amount to \$61,549 98, *rating the land at \$1 25 only*, but might probably realize double the amount. *The man seems really penitent; and I am inclined to think, in common with his friends, that he is honest, and has been led away from his duty by the example of his predecessor, and a certain looseness in the code of morality, which here does not move in so limited a circle as it does with us at home.* Another receiver would probably follow in the footsteps of the two. You will not, therefore, be surprised if I recommend his being retained, in preference to another appointment; for he has his hands full now, and will not be disposed to speculate any more. He will have his bond signed by the same sureties, and forwarded in a few days to Washington; this speaks favorably. He has, moreover, *pledged his word* that, if retained, he will strictly obey the law, and receive nothing but specie in payment for lands. He tells me that he is about selling a great portion of his lands; that, and some other negotiation, will enable him to discharge a large portion of his debt to the United States before the expiration of the present quarter. Lenity towards him, therefore, might stimulate him to exertions, which severity might perhaps paralyze. I have, in the mean time, enjoined the closing of the land office until the bond is completed and returned. No land has been sold since the 29th ultimo."

Sir, who, but a profligate pander, could have written the above? Who, but a political bawd, could have received it without indignation and contempt?

"You will not be surprised if I recommend his being retained;" "for he has his hands full now."

No; I presume the Secretary was not surprised, though any honest man would have been, at the corrupt and wicked proposition.

The licentious familiarity of this, as well as other of the reports and letters to the Secretary, cannot fail of arousing, in the breast of every pure-minded man, sentiments of scorn and disgust.



But, says this polypus feeler of Levi Woodbury, "the man *seems really penitent*; and I am inclined to think, in common with his friends, *that he is honest*, and has been led away from his duty by the example of his predecessor, *and a certain looseness in the code of morality, which here does not move in so limited a circle as it does with us at home.*" Now, sir, a more infamous slander was never promulgated against an intelligent and moral community; for a more upright, intelligent, and moral community cannot be found in the republic than that which is the subject of this vile libel. Why, sir, I do not believe there is a citizen of that community who would not spurn, with honest and indignant scorn, the profligate sentiments of this self-constituted "*ensor morum.*"

No, sir; it was that looseness of political morality which marks the party in power, which more especially illustrates the official conduct of the Secretary of the Treasury, that induced Boyd to embezzle the public property.

And he did it with a vengeance. His accounts exhibit his defalcation as of some \$50,000 or \$60,000 in money. But it was a more splendid robbery than this: it was of some 28,000 acres of the public domain, which, by virtue of his office, he transferred to himself without even paying for it a single dollar.

Sir, this was a bold operation; most of the appropriators of other people's property prefer personal chattels—something which can be concealed, and, if necessary, taken across the waters. But "there be *land rats* as well as water rats;" and Boyd, it seems, was a land rat. What a huge slice he cut from the public loaf!—28,000 acres of land! Why, it is more than a German principality. The Norman robber, when he divided out the broad lands of merry England, gave not to his haughty barons such wide extent of wood and field. Who would not be the feudatory of this administration, when the tenure is so easy, and the reward would constitute materials for a dukedom?

Sir, the Secretary deserves impeachment for this case alone. Why has he not proceeded to set aside the illegal and false titles to these lands? The receiver never had a shadow of right to them. Yet his pretended title has been recognised, and portions of the land are now being sold by the officers of the Government, as the property of the delinquent.

After this extensive land-piracy, what does the Secretary do? Does he, with virtuous indignation, turn him out of office? No, sir. He permits him to resign at his leisure. Two months after Garesché's report, he writes him as follows:

TREASURY DEPARTMENT, August 8, 1837.

SIR: I am happy to hear of the frank and honorable course proposed in your letter of the 24th ultimo. It would be convenient to have the bond and resignation arrive here by the early part of September.

I am, &c.,

LEVI WOODBURY,  
Secretary of the Treasury.

G. D. BOYD, Receiver of Public Money, Columbus, Miss.

Yes, sir; according to the morality of the Secretary, resigning, after



robbing the Government of 20,000 or 30,000 acres of land, is very "*frank and honorable*."

I will give you one case more, and then I am done. It is the case of Linn, receiver of public money at Vandalia.

As early as June 23, 1834, Mr. Taney wrote to him, admonishing him of his neglect in depositing the public money, and warning him of the indispensable duty of doing so.

On the 20th of October, 1834, Mr. Woodbury writes him on the same subject; calls to his mind his continued neglect and violation of this duty, and tells him that if he fails any longer in its performance, "it will be my painful duty to submit the case for the action of the Executive, and to recommend the appointment of another person as your successor."

Again, under date of 4th of December, the Secretary renews the complaint of neglect in the deposite, and non-compliance with the positive directions of the Department.

Instead, however, of being removed for this continued contumacy, Linn receives the following letter from the Secretary:

TREASURY DEPARTMENT, *February 12, 1835.*

SIR: Although it has pleased the President, under the explanations given, notwithstanding your past neglect in some cases to deposite the public moneys as required by law and the instructions of the Department, to renominate you for the office of receiver of public money at Vandalia, and your nomination has been confirmed, yet it is not to be inferred, from this evidence of his regard, that any future omission in this respect can be overlooked. Once for all, then, I would inform you that a strict observance of the regulations of the Department, for the periodical deposite of the public money, and the transmission of your accounts and returns, are paramount duties, the neglect of which will be reported for the action of the Executive.

I am, &c.

LEVI WOODBURY,

*Secretary of the Treasury.*

WILLIAM LINN, Esq., *Receiver of Public Money, Vandalia, Illinois.*

But it seems Mr. Linn thought differently; and came to the conclusion that, "from this evidence of the President's regard," "future omissions" would be overlooked. And it seems his opinion on the subject turned out to be more correct than that of the Secretary; for under date of July 25th, 1836, we find the indefatigable Mr. Woodbury still complaining of Linn's failure to deposite the moneys on hand; yet he does not have him dismissed.

September 2, 1836, he tells him, with as much gravity as if it were for the first time:

"The Department trusts your deposits will *hereafter* be promptly made, and that no exchanges whatever of money will take place, on any terms, as they open a door to improper practices and unfounded imputations."

December 8, 1837, he says:

"Again it becomes my duty to call your attention to the subject of my former letters, in reference to the deposite of the public money; and to inform you, that if by return of mail evidence is not received of your having complied with the requisitions of my letters of 16th August and 3d November, it will be my unpleasant duty to report your neglect to the President, and to recommend your removal from office."

Well, sir, instead of being removed, he is permitted, like Boyd and Harris, to retire with honor, upon his *own voluntary resignation*, as appears by the following and last letter of the infamous series:



TREASURY DEPARTMENT, January 26, 1838.

SIR: Your letter of the 7th instant is received, and your resignation is accepted by the President. I regret that so large a balance stands unadjusted in your hands, and trust that certificates of deposit for the amount with the Bank of Missouri will, without delay, be forwarded here.

I am, &c.

LEVI WOODBURY,  
Secretary of the Treasury.

WILLIAM LINN, Esq., Vandalia.

Now, how dare the President and Secretary to say that defalcation deserves to be punished with the penitentiary, when they did not consider it deserving even of removal from office in the case of Linn, who was allowed to resign and retire, a defaulter for \$——.

But the Secretary says he was not bound to notice these defalcations; that it was impossible for him to scent them out. After reading the foregoing letters and extracts—"elegant extracts" they may be called—I am inclined to think Mr. Secretary Woodbury has taken his cue in this matter from the following fable, which, if my friend from Virginia (Mr. WISE) will do me the favor to read, he will afford a moment's relief both to the House and myself. [Here Mr. Wise read, with much humor, from a paper handed him by Mr. P.]

"And how did it happen, Pat, that *Misther Van Buren* always kept in with the ould gineral, as he did?"

"Why, I'm thinking, Murphy, it was because he always had *such a bad could, jist!*"

"And what had his having a *could* to do with the matter at all, at all?"

"Why, did ye never hear, Murphy, my boy, of the fox that had a *could*? Then I'll tell ye. Once there was a lion that wanted to know how polite all the bastes were. So he made a great smell in his den with brimstone, or something else—I don't mind what jist—but it smelt enough to knock you down intirely; and then he called in the bear, and says he, 'Good morning, Mr. Bear, and what d'ye think of the smell here this morning?' and says the bear, says he, 'Why, it smells *bad*.' 'What's that you say?' says the lion; 'take that,' says he, (ating him up altogether!) 'take that, and see if it will tache ye politeness, ye unmannerly son of a cub!' Now, when the bear was ate up, the lion called in the *monkey*, and asked him the same question precisely. Now the monkey seeing the bear that the lion had swallowed lying dead in the corner, says he, 'May it please yer majesty,' (says he,) 'its jist the most delightful smell I ever smelt in my life, at all, at all.' 'So it is,' said the lion, (patting him on the head, easy like, so as to bate the breath clane out of his body,) 'so it is,' (said he,) 'and now you'll not tell another lie soon, I'm thinking.'

"Now, when the lion had kil't the bear and the monkey, he called in the *fox* to him, and, says he, (looking very savage, and ready to ate him up, if he should make the laste *fox paw* at all,) 'Good morning, *Fox*,' says he, 'how does my parlor smell to-day?' And says the fox, (wiping his nose with the brush of his tail, and pulling down his eye-lid with his paw, as much as to say, 'D'ye see any green there, my honey?') 'Faith,' says he, 'may it please yer Majesty, I've a *very bad could* this morning, and it's me that can't smell at all, at all!' So the lion laughed; and tould the fox he was a very clever baste, and that *he might tread in his footsteps if he could straddle wide enough*, and that all the other bastes should mind him, or he would ate them up as he had done the bear."

Mr. P. resumed. The Secretary, though in other respects he resembles a much larger and less cunning animal, yet, in this matter, has certainly taken a lesson from the fox. "*He's had a very bad could,*" and "*could'nt smell at all, at all.*" No, sir; the stench of corruption, which has been so long steaming up from his Department, has not, it seems, yet offended his olfactories. Besides all this, his friends excuse him by saying that the Government will, probably, not ultimately lose any thing by these defalcations; that the money will be recovered back, either from the defaulters or their sureties.



Sir, if a thief is detected, and compelled to disgorge the subject of his larceny, does it relieve the rogue and his accomplice from guilt? does it extinguish the crime? Upon the answer to this question depends the validity of the Secretary's excuse.

It is also urged in his favor, that defalcations have occurred under other administrations; that the public money has been stolen before. This plea I feel compelled to allow to its whole extent. "Brave men lived before Agamemnon," and great rogues before Levi Woodbury. In justice to the Secretary, I cannot deny that *his pets* are not the first thieves on record; and I give him joy of the able defence which his friends have extracted from this remarkable circumstance.

And now, Mr. Chairman, what do you think of this Secretary of the Treasury? of his epistolary talent? of his capacity and fitness for the station he occupies? He resembles much, both in manner and morality, that worthy old lady who lived at "The Mug," in Bulwer's "Paul Clifford," and rejoiced in the name of "Mrs. Margery Lobkins," more familiarly called "Peggy Lob."

His correspondence with his subalterns cannot fail of calling to your recollection the exquisite admonitions of honest "Peggy" to "Leetle Paul."

Thus moralized, not Levi, but the kind-hearted dame:

"Mind thy kittychism, child, and reverence old age. Never *steal*!—*specially when any one be in the way*. Be modest, Paul, and stick to your situation in life. Read your bible and *talk like a pious 'un*. People goes by your *words* more than your *actions*. If you wants what is not your own, try and do without it; and, if you cannot do without it, take it away by *insinivation*, not *bluster*. *They as swindles* does more and risks less *than they as robs*."

Yes, sir; "people goes more by your *words* than by your *actions*." Well has the President studied this maxim, and cunningly did he practise upon it when he recommended that defalcation should be made a penitentiary offence. Peggy Lob placed in leetle Paul's hand the sum of five halfpence and one farthing. "There, boy," quoth she, and she stroked his head fondly when she spoke, (just as Levi caresses his subordinates,) "you does right not to play for nothing, it's loss of time! but play with those as be less than yourself, *and then you can go for to beat 'em* if they says you go for to cheat."

Ay, and it has not been long since this was the doctrine of those in power; and "*to go for to beat those who say you go for to cheat*" became the watchword of the party. I recollect well, and my honorable friend who sits near me (Mr. WISE) recollects still better than I do, those days of terror, when he had to legislate, as he told us the other day, with "harness on;" when the best argument was the pistol, and the only law was club-law. It was the time when "Hurrah for Jackson" constituted the "Open Sesame" of power, which gained at once admittance into the robber's cave, and participation in the plunder.

Then General Jackson had but to whistle, and

"Instant from copse and heath arose  
Bonnets, and spears, and bended bows."



His followers, like those of Roderick Dhu, started up in every direction, ready and eager to perform his bidding. He had but to point his finger, and his fierce blood-hounds buried their muzzles in the unfortunate victim of his wrath.

Then was the saturnalia of the office-holders; and, like the locusts of Egypt, they plagued the land. Few dared to whisper of corruptions or defalcations; and a bold man was he who proposed to investigate them, for it was sure to bring down upon his head the rage which never relented, and the anger which nothing but furious persecution could assuage.

There was one man, however, who blenched not before General Jackson's frown, and who dared to propose an investigation into frauds and corruptions which had become so palpable and gross as to be an offence in the nostrils of the community. He occupied, at that time, a seat in the other end of this building, as Senator from my own State; a State upon whose laws and institutions his talents and genius are indelibly impressed. The political history of Mississippi is illustrated by his name, from its very commencement. He served her in all her departments; and as legislator, judge, and Governor, advanced her prosperity, and added to her character. What he was as Senator you all know. He stood proudly among the proud, and lofty among the loftiest, at a time when the Senate Chamber contained the garnered talent of the country; when its intellectual giants shook the whole nation with their mighty strife; when, sir, it enclosed within its walls the most transcendent deliberative body that ever was assembled upon this earth. The floor of that body was his proper arena. To a correctness of judgment, which would have given him reputation even without the capacity of expression, he joined a power of debate which, for parliamentary strength and effect, was unsurpassed. To all this was added a stern, unyielding attachment to his political principles, and an indomitable boldness in expressing and sustaining them.

Do you not recollect, sir, when General Jackson, like Charles I., strode to the legislative chamber, and thrust among the Senators a despotic edict, more insulting than if he had cast at their feet a naked sword? It was that fierce message which commenced with breaking down the independence and character of the Senate, and finally resulted in that worse than felon act, the desecration of its records. But the mandate passed not unopposed or unrebuked.

When it burst, like a wild beast from his lair, upon the astonished body whose degradation it contemplated, and in the end accomplished, most of the distinguished Senators were absent; but he of whom I speak was at his post. Single-handed, and alone, like Cocles at the head of the bridge, he held at bay the Executive squadrons, and for a whole day drove back the Mamelukes of power; till at the sound of his voice, as at the sound of a trumpet, his gallant compeers, the champions of freedom, the knights—not of the black lines, but of the constitution—came flocking to the rescue. Sir, it was a noble scene, and worthy of the best times of the Roman republic. A Sen-



ator of the United States, in bold and manly pride, trampling under foot Executive insult, and protecting at the same time the honor of his country and the dignity of his high station. There was a moral chivalry about it, far above the heroism of the field. Even now, the contemplation of it makes the blood thrill through the veins, and flush the forehead to the very temples.

I need not tell you that man's name was George Poindexter; a name that will long and honorably live among the lovers of independence and the haters of tyranny. But he dared to propose an investigation into the frauds and corruptions of the Government, and from that moment his doom was sealed. The deep, turbid, and resistless current of Jacksonism swept him from the State in whose service the best of his life had been expended; and, ostracised from her councils, he became an exile in other lands.

Sir, the office-holders in this country form an oligarchy too powerful to be resisted. Why was not Spencer removed? Why was not Harris? Why not Linn and Boyd? I will tell you. The administration did not dare to remove them, even had it wished to do so; like pachas, they had become too powerful for the Sultan, and would not have hesitated in twisting the bowstring round the neck of the messenger who presented it.

Since the avowal of that unprincipled and barbarian motto, that "to the victors belong the spoils," office, which was intended for the use and benefit of the people, has become but the plunder of party. Patronage is waved like a huge magnet over the land, and demagogues, like iron filings, attracted by a law of their nature, gather and cluster around its poles. Never yet lived the demagogue who would not take office.

The whole frame of our Government, the whole institutions of the country, are thus prostituted to the uses of party. I express my candid opinion when I aver that I do not believe a single office of importance within the control of the Executive has, for the last five years, been filled with any other view, or upon any other consideration, than that of party effect; and if good appointments have in any instances been made, and benefit accrued to the country, it has been an accidental, and not a voluntary result. Office is conferred as the reward of partisan service; and what is the consequence? Why, the office-holders are not content with the pitiful salaries which afford only small compensation for present labors, but do not, in their estimation, constitute any adequate reward for their previous political services. This reward, they persuade themselves, it is perfectly right to retain from whatever passes through their hands. Being taught that all moneys in their possession belong not to the people, but to the party, it requires but small exertion of casuistry to bring them to the conclusion that they have a right to retain what they may conceive to be the value of their political services; just as a lawyer holds back his commissions. The administration countenances all this; winks at it as long as possible; and when public exposure is inevita-



ble, generally gives the bloated plunderer full warning and time to escape with his spoils.

Do you not see the eagerness with which even Governors, Senators, and Representatives in Congress, grasp at the most trivial appointments—the most insignificant emoluments? Well do these sons of the horse-leech know that there is more blood in the body than what mantles in the cheek; and more profit in an office than is exhibited by the salary.

Sir, I have given you but three or four cases of defalcations; would time permit, I could give you a hundred. Like the fair Sultana of the oriental legends, I could go on for a thousand and one nights; and even as in those Eastern stories, so in the chronicles of the office-holders, the tale would ever be of heaps of gold, massive ingots, uncounted riches. Why, sir, Aladdin's lamp was nothing to it. They seem to possess the identical cap of Fortunatus; some wish for \$50,000, some for \$100,000, some for a million; and behold, it lies in glittering heaps before them. Not even

“The gorgeous East, with richest hand,  
“Showers on her kings barbaric pearl and gold”

in such lavish abundance as does this administration upon its followers. Pizarro held not forth more dazzling lures to his robber band, when he led them to the conquest of the Children of the Sun.

And now, Mr. Chairman, have I not redeemed my promise? Have I not shown that the President is but a hypocrite in his pretended horror at defalcation; that the Secretary is much worse—a conniver, a weak, imbecile *particeps criminis*? Let his defenders reconcile his conduct in the case of Harris with his official duty—with the dictates of common honesty, if they can; I dare them to the trial. Let them reconcile his licentious correspondence with Spencer, Hendricks, and more especially Garesché, with the principles of common decency.

Mr. Chairman, it is not my intention to examine minutely the case of Swartwout. I know not why the President should have selected it out of so many as the subject of special communication. There is, however, one curious matter connected with this subject, which I shall notice. The President, the Secretary, and the party, all profess to unite in the belief that the defalcations of Swartwout, Price, and others afford the best possible argument in favor of the sub-treasury scheme. Most of these defalcations, say they, occurred under the deposite system; and therefore, to that system these losses are attributable. Now, sir, if you will look over this document 297, you will find that out of the 265 letters to receivers and collectors, nearly 200 contain complaints that the public money had not been deposited in bank, but retained in the hands of the officer. If you will look into the cases of Harris and Boyd, you will see that their defalcations could not have taken place had the Secretary not indulged them in a continued and habitual violation of this duty of periodical deposites. But the proposition itself is grossly absurd. It amounts to this—that the running away of sub-treasurers with large amounts



of the public money is proof of the safety of the sub-treasury system; in other words, stealing is proof of honesty. It is the holding of the money in the hands of the officer, which produces the temptation to peculate. By having it in his custody, by continual viewing and counting, he comes, at length, to look upon and use it as his own.

The system is corrupt in its tendency; all experience says so. The first sub-treasurer since the Christian era was Judas Iscariot; he *carried the bag*; and it was doubtless as much by his disposition to appropriate its contents to his own private use, as by the thirty pieces of silver, that he was tempted to betray his Master.

But I understand the Executive goes still further; and, pointing to those very defalcations, demands an additional band of officers to watch the rest, and prevent them from walking in the footsteps of their predecessors. So Pisistratus gashed himself with unseemly wounds, and, telling the people they had been inflicted by his enemies, asked for an additional guard to protect him. His request was granted; fifty men were given him, with whom he immediately seized upon the citadel, and became tyrant of Athens. Let the lesson not be lost, when you are asked to increase the number of the office-holders.

No, sir; these defalcations teach another lesson, and one well worth the cost, if we will but profit by its admonitions. They teach that the sub-treasury system is but the hot-bed of temptation and crime. They teach that the public treasure cannot be safely confided to individual custody.

Sir, this Government may determine to watch, like Turks, with jealous care, its golden harem; but it will seek in vain for the financial eunuchs who have the power to guard without the wish to enjoy.

Mr. Chairman, the amount of money we have lost, great as it is, presents a question of but little comparative importance. If this whole administration would take passage in the Great Western, and, with the Treasury in their pockets, follow after Swartwout and Price, I doubt not the country would cry "quits," and think it a happy riddance. But it is a deep and a vital question, how such things are to be prevented in future; how this running sore is to be healed; how this system of negligence and corruption is to be stopped, and the action of the Government brought back to its original purity.

Give us the right sort of a committee—one that will go through the Departments as Van Tromp swept through the British channel, with a broom at the mast-head; and something, perhaps, may be done. But, for my own part, I look for no permanent good except in a change of rulers.

This administration was conceived in sin and brought forth in iniquity: it has not belied its parentage. It is essentially and radically corrupt. In the language of an English historian, describing the reign of the eighth Henry "it has attained as near to *perfect depravity* as the infirmities of human nature would permit." Just before an election it will talk of reform, and deprecate, with holy horror, the consequences of its own misdeeds; but, no sooner is the object accomplished, than it returns to its policy like a dog to his vomit.



I have no hope of reform in the party in power: my only hope is, that the people, convinced of their hypocrisy and wickedness, will hurl them from the high places they have so long disgraced. That a consummation so devoutly to be wished for may be obtained, let us unite in exhibiting to the country their true principles; let us fasten upon them the responsibility of their actions. In this patriotic work I trust I shall find with me my honorable friend from South Carolina, who sits near me, (Mr. PICKENS.) Often has he led the fierce assault against these very corruptions. "Has his hand waxed weak or his heart waxed cold," that his war-cry has not yet tingled in our ears? Surely the "horn of Roland" will sound again; surely in this, his favorite battle, he will strike one more blow for Christendom before he renounces the cross and assumes the turban. Sir, I see by his flashing eye his soul is with us; the spirit of the past is rising before him; he recollects that many moons have not yet waxed and waned, since this very party, who now claim him as an ally, crouched and howled like an exorcised demon beneath the magic of his burning words. Let him come out from among them—he and his friends; for they are not of them: eagles mate not with kites and carrion crows.

Sir, I should rejoice to see the gallant gentleman resume his original position. I should be proud to win my spurs under so well-approved and accomplished a leader.

Let me call to his mind a fable, with which he is doubtless familiar: A gaunt and ravenous wolf, hastily gorging the spoils of some plundering expedition, was choked by a bone, and lay at the point of death. A stork happened to be passing that way, and, moved by an ill-judged pity, extended her long neck down the wolf's throat, and extracted the bone. Upon modestly suggesting the propriety of some reward for so generous an act, the stork was told, with a wolfish scowl, that she ought to consider herself fortunate that her head was not bitten off during the operation.

Now, I take it that it requires no name written beneath this picture, to enable the most obtuse to recognise, in the ravenous wolf, the present party in power. The picture will also call to mind how this party, some year ago, while gorging, with wolfish appetite, upon the "spoils," got a bone in its throat, and lay at the point of dissolution. I leave it to the sagacity of the gentleman from South Carolina to finish the resemblance; to say who acted towards the administration the part of the benevolent stork; and to reflect upon the boon she is likely to receive for her kindness.

Sir, the immense peculations of Swartwout, Price, and others, or rather the exposure of them, has alarmed the administration.

They propose to make up the losses by retrenchment. And what do you suppose are to be the subjects of this new and sudden economy? What branches of the public service are to be lopped off on account of the licentious rapacity of the office-holders? I feel too indignant to tell you. Look into the report of the Secretary of the Treasury, and you will find out. Well, sir, what are they? Pensions, harbors, and light-houses. Yes, sir, these are recommended as proper



subjects for retrenchment. First of all, the scarred veterans of the Revolution are to be deprived of a portion of the scanty pittance doled out to them by the cold charity of the country. How many of them will you have to send forth as beggars upon the very soil which they wrenched from the hand of tyranny, to make up the amount of even one of these splendid robberies? How many harbors will it take—those improvements dedicated no less to humanity than to interest; those nests of commerce, to which the canvass-winged birds of the ocean flock for safety? How many light-houses will it take? How many of those “bright eyes of the ocean,” as my friend from Virginia beautifully calls them, are to be put out? How many of those faithful sentinels who stand along our rocky coast, and, peering far out in the darkness, give timely warning to the hardy mariner where the lee-shore threatens—how many of these, I ask, are to be discharged from their humane service? Why the proposition is almost impious. I should as soon wish to put out the stars of heaven.

Sir, my blood boils at the cold-blooded atrocity with which this administration proposes thus to sacrifice the very family jewels of the country, to pay for the consequences of its own profligacy. If they wish to retrench, let them cut down salaries, instead of light-houses; let them abandon offices, instead of harbors; let them turn out upon the world some of their wide-mouthed partisans, instead of the soldiers of the Revolution.

Mr. Chairman, I have done; I had intended to notice other portions of the message, but shall defer it; for I have already too far taxed the patience of the committee. I shall vote in the House for an investigation, though I do not expect much from it. My hope is in an investigation by a higher authority than this House—by the people. The evil of the times lies not in particular cases, but in the principles of the party. Legislation cannot reach it. It is a radical evil, and the people alone can cure it. That they will do so, and in the only way it can be done, *by a change of rulers*, I have a high and holy confidence. This administration has eaten like a cancer so far into the institutions of the country, that, unless the remedy be soon applied, it will be too late. I do most conscientiously believe, that if the present dynasty is continued in power, constitutional liberty cannot survive. Already our institutions are half corrupted. Already anarchy and despotism are leagued together against the constitution and the laws. Let him who doubts it look at the proceedings in a neighboring State, and the conduct of the Federal Executive in relation thereto.

Let Mr. Van Buren be re-elected; let him continue to be guided by the counsels of Mephistophiles and Asmodeus, the two familiars who are ever at his elbow—those lords, the one of *letters* and the one of *lies*—and it will not be long that this mighty hall will echo to the voice of an American representative. This Capitol will have no other uses than to attract the curiosity of the passing traveller, who, in melancholy idleness, will stop to inscribe upon one of these massive pillars, “Here *was* a republic!”